



# WATER CONVEYANCE FACILITY SAFETY ACT

## (2010 Utah State Legislative Session: H.B. 60)

### **What does the bill require?**

This bill addresses management plans for water conveyance facilities. If a water conveyance facility has a potential risk location, then the facility owner or operator must adopt a management plan before receiving funding from the Board of Water Resources or **no later than May 1, 2013**. After adopting a plan, the facility owner must submit a letter to the Division of Water Resources declaring its compliance with the law.

### **Who must comply with the requirements of the bill?**

Water conveyance facility means a canal, ditch, pipeline, or other means of conveying water. It does not include 1) a pipeline conveying water for industrial use, or municipal use within a public water system; 2) a natural channel used to convey water; or 3) a fully piped, pressurized irrigation system.

Facility owner or operator means 1) any company, operating for profit or not for profit, in which a shareholder has the right to receive a proportionate share, based on that shareholder's ownership interest, of water delivered by the company; or 2) an owner or operator of a water conveyance facility.

### **Does my facility have a potential risk location?**

Potential risk means a condition where, if a water conveyance facility fails, the failure would create a high probability of causing 1) loss of human life; or 2) extensive economic loss, including damage to critical transportation facilities, utility facilities, or public buildings.

Potential risk location means a segment of a water conveyance facility that constitutes a potential risk due to 1) location; 2) elevation; 3) soil conditions; 4) structural instability; 5) water volume or pressure; or 6) other conditions.

### **What is a management plan?**

A management plan is a written document that addresses the following six elements of a water conveyance facility:

**1. Identification:** a map or drawing that identifies the municipalities or counties through which water is conveyed and shows the location of all facility components, such as points of diversion, bridges, culverts, trash racks, storm water entry points, spill points, etc.

**2. Maintenance and Improvement:** a maintenance and improvement plan, a schedule for the implementation of the plan, and identification of potential sources of financing for the plan.

**3. Insurance:** proof of insurance coverage or other means of financial responsibility against liability resulting from failure of the water conveyance facility.

**4. Slope Instability Assessment:** an evaluation of any potential slope instability that may cause a potential risk, including 1) failure of the facility; 2) land movement that might result in failure of the facility; or 3) land movement that might result from failure of the facility.

**5. Storm Water Assessment:** a statement concerning whether storm water enters the water conveyance facility, and, if so, includes 1) identification of storm water entry points; 2) the anticipated maximum volume and flow of all water present in a six-hour, 25-year storm event; and 3) the name of each governmental agency responsible for storm water management.

**6. Emergency Response:** an emergency response plan that is updated annually and describes how a first responder can 1) contact the facility owner or operator, and 2) obtain the information contained in the management plan. The emergency response plan shall be shared with local emergency response officials.

### **Will a management plan be a public document?**

No. A management plan including the emergency response plan is a protected record. A management plan is private information and if provided to a city or state agency they are responsible for classifying it as protected.

**Municipality requirements:** If a city or another entity introduces storm water into a water conveyance facility they are required to provide an estimate of the maximum volume and flow of water that may occur at each structure.

### **What is HB298?**

This bill requires a municipal or a county land use authority to notify a canal company or canal operator of any application to develop land within 100 feet of a canal. A canal company is to provide its current mailing address, phone number, contact name, and a general description of the location of each canal owned or operated by the canal company to any municipality or county in which the canal company owns or operates a canal on or before July 1, 2010.

*Although not a requirement for financing from the Utah Board of Water Resources, all facility owners and operators should also comply with this bill.*

*To obtain complete copies of the new laws go to [www.le.utah.gov](http://www.le.utah.gov)*